

REMARKS

Claims 16-29 and 49-74 are pending, with claims 16 and 55 being independent. Claims 16, 25, 51, 53, 55, 71 and 73 have been amended. Claim 49 has been cancelled and resubmitted as new claim 50.

Statement of the Substance of the Interview

Applicant appreciates the courtesies extended by the Examiner during the telephonic interviews conducted with Applicant's representative on February 16, 2006 and February 23, 2006. During the interviews, Examiner Pahng clarified his interpretation of the Trost (U.S. Patent No. 3,229,918) reference. Specifically, it is the Examiner's position that the term "one-piece" may be interpreted to describe a component having more than "one-piece." Applicant's representative indicated that the alleged "one-piece" manifold of Trost is specifically described as having replaceable and removable pieces. Without conceding the propriety of the Examiner's position, but merely to expedite the prosecution of the present application, Applicant's representative suggested that claims 16 and 55 be amended to include the term "monolithic" instead of "one-piece."

Election/Restriction

During the interview of February 23, 2006, Applicant's representative also discussed the impropriety of the restriction of previously added claims 55-74. The Examiner has indicated that claims 16 and 55 are independent and/or distinct from one another as being directed toward a combination and subcombination. This restriction is respectfully traversed.

Even if the Examiner believes that claim 16 and 55 are independent and/or distinct, the Examiner has not identified how claims 16 and 55 are independent and/or distinct from one another. See MPEP 802.01 The Examiner is required to demonstrate that the alleged combination-subcombination are independent and/or distinct by way of the required two-way test. See MPEP 806.05(c) Further, the Examiner has not indicated how examination of claims 16 and 55 would have raised a serious burden on the Examiner, e.g., Applicant respectfully

requests that the Examiner has not provided any indication of any additional burden on the Examiner, such as separate classifications of claims 16 and 22, and previously presented claim 55. Accordingly, this restriction is improper.

Claim Objection

Claim 49 has been cancelled and rewritten as new claim 50. Claims 53 and 55 have been amended to depend from claim 16 to address the Examiner's concern.

Claim Rejections Under 35 U.S.C. § 102

Claims 16, 19, 22, 25-27 and 29 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Trost (U.S. Patent No. 3,229,918). This rejection is respectfully traversed.

Claim 16, in part, recites a monolithic manifold having a front face and a rear face. The monolithic manifold includes a grinding chamber, a feed inlet, a gas inlet, and an outlet.

The fluid grinding mill of Trost does not describe or suggest a monolithic manifold as claimed. The Examiner has equated the body member 11 of Trost to the claimed monolithic manifold, the classification chamber 44 to the claimed grinding chamber, the hopper 74 and nozzle 78 to the claimed feed inlet, and the nozzle 79 to the claimed gas inlet. While the monolithic body member 11 (Fig. 4) includes a front face 12 and a classification recess 13, the monolithic body member 11 of Trost does not include a grinding chamber. In Trost, the classification chamber 44 is formed by a separate, rear liner plate 34 (Fig. 1) secured to the body member 11, a separate, trapezoidally shaped deflector 38 (Figs. 1 and 7) secured to the forward face of the rear liner plate (such as with screws 41), and a separate peripheral liner band 36 (Fig. 1). The body member 11 of Trost does not include a feed inlet as claimed, as the hopper 74 and nozzle 78 of Trost are separate elements from the body member 11. The body member 11 of Trost does not include the claimed gas inlet, as the nozzle 79 is a separate element from the body member 11. These separately secured, discrete liner elements do not comprise a monolithic manifold. Further, the liner elements of Trost are intentionally provided as individually replaceable and interchangeable liners that can be replaced readily and quickly (see col. 1, lines 42-58 and col. 6, lines 3-10 of Trost). Therefore, claim 16 is patentable over Trost.

Claim Rejections Under 35 U.S.C. § 103

Claims 17 and 18 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Trost in view of Coombe et al. (U.S. Patent No. 3,840,188). Claims 23 and 24 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Trost in view of Fay (U.S. Patent No. 3,559,895). Claim 28 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Trost in view of Andrews (U.S. Patent No. 2,032,827). These rejections are respectfully traversed.

Coombe, Fay, and Andrews do not overcome the deficiencies in Trost discussed above. In particular, none of the references describe a monolithic manifold as claimed. Therefore, claims 17, 18, 23, 24 and 28 are patentable over Trost, Coombe, Fay and Andrews.

Applicant does not acquiesce in the Examiner's characterizations of the art. For brevity and to advance prosecution, however, Applicant may have not addressed all characterizations of the art and reserves the right to do so in further prosecution of this or a subsequent application. The absence of an explicit response by Applicant to any of the Examiner's positions does not constitute a concession of the Examiner's positions. The fact that Applicant's comments have focused on particular arguments does not constitute a concession that there are not other arguments for patentability of the claims. All of the dependent claims are patentable for at least the reasons given with respect to the claims on which they depend.

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Applicant submits that all of the claims of the present application should be allowed.

Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

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